

**SUBSTITUTE DECLARATION FOR
UTILITY OR DESIGN
PATENT APPLICATION
(37 C.F.R. 1.63)**

☒ Declaration
Submitted
with Initial Filing

☐ Declaration Submitted
after Initial Filing
(37 C.F.R. Fee Required)

Attorney Docket Number: 1477-P01769US1

First Named Inventor: Leon W.M.M. Terstappen

COMPLETE IF KNOWN

Application Number: 09/856,672

Filing Date: May 24, 2001

Group Art Unit: 1723

Examiner Name: David A. Reifsnyder

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe that I am the first and sole inventor or and original, first and joint inventor of the subject matter which is claimed and for which patent protection is sought for the invention entitled:

MAGNETIC SEPARATION APPARATUS AND METHODS

the specification of which

☐ is attached hereto

OR

☐ was filed on **May 24, 2001** as United States Application Number or PCT Application Number **09/856,672**

and was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56

I hereby claim foreign priority benefits under 35 U.S.C. 119 (a)-(d) or 365(b) of any foreign application(s) for patent for inventor's certificate, or 35 U.S.C. 120 of any PCT International application listed below.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Certified Copy Attached?
PCT/US99/28231	PCT	November 30, 1999	No

I hereby claim the benefit under 35 U.S.C. 119(e) of the United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
60/019,282	June 7, 1996	
60/030,436	November 5, 1996	
60/110,280	November 30, 1998	

I hereby claim the benefit under 35 U.S.C. 120 of the United States application(s), or 365(c) of the PCT International application(s) designating the United States of America, listed below. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application(s) and the national or PCT International filing date of this application.

U.S. Parent or PCT Application	Parent Filing Date (MM/DD/YYYY)	Parent Patent No. (If Applicable)
09/201,603	November 30, 1998	6,136,182
08/867,009	June 2, 1997	5,985,853

As a named inventor, I hereby appoint the following practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

The registered practitioners associated with Customer Number 000110

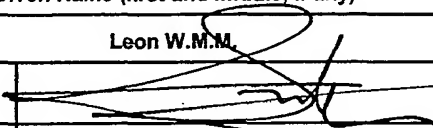
Direct all Correspondence to:

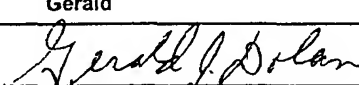
Customer Number 000110 at the address below

John B. Berryhill, Ph.D., J.D.
Dann, Dorfman, Herrell & Skillman
Suite 720
1601 Market Street
Philadelphia, PA 19103

Telephone (215) 563-4100
Facsimile (215) 563-4044

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FIRST INVENTOR		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle, if any)		Family Name (Last name or surname)	
Leon W.M.M.		Terstappen	
Signature		Date	02-04-03
Residence	Huntingdon Valley, PA, United States of America		
Post Office Address	1354 Old Ford Road Huntingdon Valley, PA 19006		
Citizenship	NL		

SECOND INVENTOR		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle, if any)		Family Name (Last name or surname)	
Gerald		Dolan	
Signature		Date	3/4/03
Residence	HUNTINGDON VALLEY, PA US		
Post Office Address	800 MEADOWBROOK DRIVE; HUNTINGDON VY, PA 19006		
Citizenship	US		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REVOCATION OF POWER OF
ATTORNEY OR
AUTHORIZATION OF AGENT**

Application Number	09/856,672
Filing Date	May 24, 2001
First Named Inventor	Terstappen
Art Unit	1723
Examiner Name	Reifsnnyder
Attorney Docket Number	Patterns Div

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☒ A power of Attorney or Authorization of Agent is submitted herewith.**OR**☐ Please change the correspondence address for the above-identified application to:☐ Customer NumberPlace Customer
Number Bar Code
Label here**OR**☐ Firm or
Individual Name

Address

Address

City

Country

State

Zip

Telephone

Fax

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

Name

Edward L. Erickson as President Immunivest Corp.

Signature

Date

JUNE 22, 2003

Telephone

215-830-0777

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT**

Application Number	09/856,672
Filing Date	May 24, 2001
First Named Inventor	Terstappen
Title	Magnetic Sep. App. & Meth.
Art Unit	1723
Examiner Name	Reifsnnyder
Attorney Docket Number	Patterns Div.

I hereby appoint:

☐ Practitioners at Customer NumberPlace Customer
Number Bar Code
Label here

OR

☒ Practitioner(s) named below:

Name	Registration Number
Joseph F. Aceto	50701
James L. Wilcox	30234

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

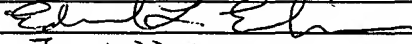
☐ Practitioners at Customer Number.Place Customer
Number Bar Code
Label here

OR

<input checked="" type="checkbox"/> Firm or Individual Name	Immunicon Corporation				
Address	3401 Masons Mill Road				
Address	Suite 100				
City	Huntingdon Valley	State	PA	Zip	19006
Country	United States				
Telephone	215-830-0777	Fax	215-830-0751		

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).**SIGNATURE of Applicant or Assignee of Record**

Name	Edward L. Erickson as President Immunivest Corp.				
Signature					
Date	June 22, 2003	Telephone	215-830-0777		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of)	Examiner: D. A. REIFSNYDER
)	
Leon W.M.M. Terstappen et al)	Group Art Unit: 1723
)	
Serial No.: 09/856,672)	
)	
Filed: May 24, 2001)	
)	
For: "MAGNETIC SEPARATION)	
APPARATUS AND METHODS")	

DECLARATION OF GERALD DOLAN

I, Gerald Dolan hereby declare that:

1. I am a co-inventor of the subject matter described and claimed in U.S. Patent Application Serial No. 09/856,672 along with Leon W.M.M. Terstappen. This application was filed on May 24, 2001 for an invention entitled: "Magnetic Separation Apparatus and Methods".
2. We have assigned all right, title and interest in and to the above-identified invention and application to Immunivest Corporation.
3. At the time of filing of the above-identified application, I was not identified a joint inventor. Leon W.M.M. Terstappen was named as sole inventor in error due to a misunderstanding of the law determining inventorship.
4. I have realized that an unintentional error in inventorship occurred and I am filing the present declaration to correct this error.
5. This error was made in good faith, without deceptive intent.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

3/4/03

DATE

Gerald J. Dolan
Gerald Dolan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


In re the Application of)	Examiner: D. A. REIFSNYDER
)	
Leon W.M.M. Terstappen et al)	Group Art Unit: 1723
)	
Serial No.: 09/856,672)	
)	
Filed: May 24, 2001)	
)	
For: "MAGNETIC SEPARATION)	
APPARATUS AND METHODS")	

CONSENT BY ASSIGNEE FOR AMENDMENT UNDER RULE 1.48

Immunivest Corporation, is an Assignee of the right, title and interest of Leon W.M.M. Terstappen in and to the above-identified invention and application by virtue of an Assignment recorded with the United States of Patent and Trademark Office on May 24, 2001. Immunivest Corporation hereby consents to the amendment of the above-identified application under Rule 1.48 in order to correct an error in inventorship to properly set forth Gerald Dolan as joint inventor along with Leon W.M.M. Terstappen of the subject matter disclosed and claimed in the application identified above. An Assignment by Gerald Dolan will be executed and recorded in the Patent and Trademark Office together with the previously executed Assignment of Leon W.M.M. Terstappen so that Immunivest Corporation shall be the Assignee of the entire right, title and interest in and to the above-identified invention and application.

Immunivest Corporation

MARCH 4, 2003
DATE

By 
Its PRESIDENT